

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

In Re:	§	
SILICA PRODUCTS LIABILITY	§	
LITIGATION	§	MDL Docket No. 1553
	§	
	§	

ORDER DENYING DEFENDANT'S MOTION TO RECONSIDER

On this day came on to be considered Defendant Belleview Sand and Gravel, Inc.'s Motion to Reconsider (D.E. 2050) this Court's Order No. 38 remanding Adams v. Pulmosan Safety Equip. Corp., S.D. Tex. Cause No. 05-183, to the Circuit Court of Graves County, Kentucky, for lack of subject-matter jurisdiction. 28 U.S.C. § 1447(d) provides that an "order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." Id. (emphasis added). Thus, a "federal court is completely divested of jurisdiction once it mails a certified copy of the remand order to the clerk of the state court." In re Shell Oil Co., 932 F.2d 1523, 1528 (5th Cir. 1991). Because a certified copy of the remand order, Order No. 38, was mailed to the clerk of the state court on November 25, 2005, this Court is without jurisdiction to reconsider its remand order. Defendant's motion is, therefore, DENIED.

SIGNED and ENTERED this 12th day of January, 2006.



Janis Graham Jack
United States District Judge